

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LAUSTEVEION JOHNSON,)	3:13-CV-0689-LRH (VPC)
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
)	
vs.)	August 28, 2014
)	
APRIL WITTER, et al.,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court is plaintiff's motion for request to conduct discovery (#28). Defendants opposed the motion (#36). No reply was filed.

Plaintiff failed to meet and confer and to provide certification that he and counsel have been unable to resolve the matter without court action pursuant to Fed.R.Civ.P. 37 and LR 26-7(b). *Shuffle Master, Inc. v. Progressive Games, Inc.* 170 F.R.D. 166, 170 (D.C. Nev. 1996) (certification must "accurately and specifically convey to the court who, where, how, and when the respective parties attempted to personally resolve the discovery dispute.") Moreover, plaintiff is permitted to review his medical records according to NDOC regulations.

Plaintiff has filed an opposition to defendants' motion to dismiss and for summary judgment (#40) that is a total of 203 pages including exhibits containing medical records. It appears to the court that plaintiff has accessed his medical records as requested in his motion to conduct discovery (#28); therefore, the motion is **DENIED as moot**.

Plaintiff's opposition to defendants' motion to dismiss and for summary judgment (#40) is forty-two handwritten pages. Pursuant to Local Rule 7-4, "points and authorities in . . . response to motions shall be limited to thirty (30) pages including the motion but excluding exhibits." The court has reviewed defendants' motion and plaintiff's opposition and has determined that the issues do not warrant a forty-two page brief. Therefore, plaintiff shall have to and including **Friday, September 19, 2014** to reduce the length of his opposition brief to a maximum of thirty pages in length. Plaintiff need not resubmit his exhibits. Plaintiff is cautioned that he may **not** use this opportunity to introduce new arguments or file a sur-reply.

He must simply reduce the size of his current brief. The Clerk shall **STRIKE** the opposition (#40) and shall **SEND** plaintiff a copy of his opposition, excluding exhibit, for his use in preparing a brief that is reduced in size thirty pages or less.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/
Deputy Clerk